

IN RE: PETITION SPECIAL HEARING \*  
S/S of Courtleigh Drive, \*  
118.19' S of the centerline \*  
of Old Court Road (3735 and \*  
3737 Courtleigh Drive) - \*  
2nd Election District \*  
Bon Vie, Inc., \*  
Petitioner \*

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 87-208-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests an interpretation by the Zoning Commissioner as to whether a proposed sheltered care home satisfies the Baltimore County Zoning Regulations (BCZR) and is permitted in a D.R.5.5 Zone.

The Petitioner, a profit-making corporation, by Jack Millard, President, appeared and was represented by Counsel. Emily Wolfson, on behalf of Liberty Communities Development Corporation; Vivian Noonan, on behalf of Courtmar Association; and Richard Lewis, an adjoining property owner, appeared, not necessarily in opposition but to express certain concerns.

Testimony indicated that the subject property, zoned D.R.5.5, consists of the unimproved lots. The Petitioner proposes to construct a 34' x 58', eight bedroom, split-foyer dwelling containing approximately 1,500 square feet on both the first and second levels on two of the lots, which are located on Courtleigh Road at Old Court Road. The dwelling will be a single-family residence in all respects, although it will house approximately eight senior citizens. The occupants will live together as a nuclear family, sharing one kitchen and one living area. Each, however, will have his or her own bedroom.

The purpose of the request is to provide a residential living alternative for the elderly, which is severely needed in Baltimore County. In fact, this is the first sheltered care home for the elderly proposed in Baltimore County.

The senior citizens will be ambulatory and able to care for themselves, although the Petitioner will supplement their living arrangements with professional counselors who may assist the residents with physical mobility, personal hygiene, and household and related chores that may require physical exertion beyond their capabilities.

The residents' daily routine would correspond to that of a typical family, i.e., they prepare and eat meals together in a common kitchen and share leisure time. No training, rehabilitation programs, or medical treatment would be provided other than that which may be needed as events warrant. If anything occurs which requires a higher degree of care, the resident would be moved accordingly. Each of the residents will share the responsibility of maintaining the household and contribute financially to the Petitioner for their maintenance. The dwelling would be owned by the Petitioner, and the residents would not be on the deed nor be responsible for any of the mortgage.

It is expected that the residents will be long-term and would not leave unless there was a change in their physical condition and hospitalization of some sort was required. There would be no restrictions on their movements. The program is designed for senior citizens who cannot live by themselves but who are looking for a "family" with which they may share their lives.

Approximately 700 to 900 people require similar housing just within the Pikesville-Randallstown area. Indeed, the Baltimore County Council recognized this need by passing a resolution in support, as required by State law before requisite approval by the State Department of Aging can be granted. This type of housing is certified by the State Department of Aging, pursuant to Article 70B, Section 4, Maryland Code, in conjunction with local subdivision review.

- 2 -

The Petitioner seeks approval, pursuant to Section 500.7, BCZR, that the proposed use satisfies the BCZR's definition of "family", and thereby, is permitted as of right as a single-family use.

Although not in total opposition, the local communities have concerns and these concerns were expressed by Ms. Wolfson and Mrs. Noonan.

The importance of the provision for community residential alternatives is clearly recognized by Maryland law. Strong statements on behalf of sheltered housing for the elderly are found in Article 70B, Sections 1(e) and 4(c), Maryland Code. The State Department of Aging is in the process of promulgating regulations for carrying out the intent of the Legislature, under which the Petitioner will be required to adhere. See Petitioner's Exhibit 5. This law, and similar laws governing group homes for other types of constituencies, make the development of community programs not merely a desirable option but a legislatively imposed obligation.

The BCZR defines "family" as "[a]ny number of individuals lawfully living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel."

In Moore v. City of East Cleveland, 431 U.S. 494 (1977), the Supreme Court invalidated a Cleveland, Ohio ordinance under which a grandmother was being prosecuted for allowing her grandson to live with her. The Court held that such a restrictive definition of "family" invaded the right of family privacy and therefore had to be measured under a stricter standard of review than was applicable in Village of Belle Terre v. Boraas, 416 U.S. 1 (1974), in which the Court ruled that a local ordinance that limited a "family" to persons related by blood, adoption, or marriage or to not more than two unrelated persons living together as a single-housekeeping unit was

- 3 -

constitutional. As a result of the Moore, supra, decision, there would have to be sufficient governmental interest to justify the ordinance to pass constitutional muster. The Baltimore County ordinance, however, does not limit a "family" to blood, marriage, or adoption and does not limit the number of people living together. The issue, therefore, is what constitutes a "family" within the meaning of the local law and whether any arbitrary determination would in turn violate due process constitutional strictures against discrimination.

The strong position taken by the State Legislature is to find alternative independent living arrangements for the elderly. These alternatives, e.g., halfway houses, cooperative apartments, group homes, foster homes, family care programs, sheltered care facilities, et al, are contrasted with the typical, and traditional, nursing homes to which the elderly have heretofore been limited. Legislators in and out of Maryland have determined that it is in the best interest of the elderly to be placed into housing alternatives that respect their independence and concerns--community integration rather than isolation. To accomplish this, it is obvious that the alternative living arrangement, as described above, must be located within and integrated into residential communities. Petitioner's Exhibit 4 lists certified sheltered housing facilities existing elsewhere in the State.

Section 1B01.1.A.1, BCZR, permits dwellings as a matter of right in D.R. zones, including but not limited to one-family detached houses. As in most local zoning codes, the word "family" is further defined. Some include limitations, as in Borass, supra, while others are rather broadly written, as in the BCZR. The issue of whether or not the sheltered housing facility constitutes a "family", defined by the BCZR as any number of individuals lawfully living together as a single-housekeeping unit and doing their cooking

- 4 -

on the premises, is one of fact, based on the circumstances under which the facility is operated. Attention must be given to the length of stay of the residents, whether the house will be used for the treatment of persons not actually residing there, whether the residents conduct their lives independently from one another, and whether the residents live and eat together as a unit. See Allied Services for the Handicapped, Inc. v. Zoning and Hearing Board of the City of Scranton, 459 A.2d 60 (Pa., 1983). The controlling factor in considering whether a group of unrelated individuals living together as a single-housekeeping unit constitutes a family, for the purpose of compliance with a zoning restriction, is whether the residents bear the generic characteristics of a relatively permanent functioning family unit. State v. Baker, 405 A.2d 568 (N.J., 1979). See, e.g., Pemberton Township v. State, 429 A.2d 360 (N.J., 1981), use of a residence as a group home for six to eight boys, aged 8 to 13, who had been adjudicated delinquent for minor offenses, to be a permissible single-family use of the dwelling as their residency would simulate the dynamics and functioning of a natural family; Y.W.C.A. v. Bd. of Adjustments Summit, 341 A.2d 356 (N.J., 1975), occupancy of a residence by ten adolescent girls permitted as a "family"; Bergen v. State, 364 A.2d 993 (N.J., 1976), a group home used for the residency of eight to twelve unrelated multi-handicapped preschool children under the care and supervision of two foster parents permitted as a "family"; Township of Washington v. Cent. Bergen Comm. Health, 383 A.2d 1194 (N.J., 1978), use of a residence for recovered mental patients, five unrelated women whose occupancy was permanent in character and not transitory, who shared the responsibilities for performing the ordinary tasks of cooking, cleaning, and shopping and who "present a picture very much akin to that of a traditional family and their lifestyle is not a transient or temporary nature...", permitted as a

- 5 -

"family". Mongony v. Bevilacqua, 432 A.2d 661 (R.I., 1981); Saunders v. Clark County Zoning Dept., 421 NE.2d 152 (Ohio, 1981); Linn County v. City of Hiawatha, 311 NW.2d 95 (Iowa, 1981); Costley v. Carmen House, Inc., 313 NW.2d 21 (Minn., 1981); J. T. Hobby & Son, Inc. v. Family Homes of Wake County, Inc., 266 SE.2d 32 (N.C., 1980); Children's Home of Easton v. Easton, 417 A.2d 830 (Pa., 1980); Hopkins v. Zoning Hearing Bd. of Abington Township, 423 A.2d 1081 (Pa., 1980); Oliver v. Zoning Commissioner of Town of Chester, 326 A.2d 841 (Conn., 1974); and White Plains v. Ferraioli, 357 NYS.2d 449 (1974). See also 2 Rathkopf, The Law of Zoning and Planning, (4th Ed., 1984, and Cum. Supp.), Section 17A.05 at 17A-22 and 71 ALR 3d 693 (1976).

It is evident that there must be a kind of stability, permanency, and functional lifestyle exhibited which is equivalent to that of the traditional family unit in order for a group of unrelated persons living together as a single housekeeping unit to constitute a "family" in terms of a zoning regulation. When the zoning regulation does not limit the size of the "family" nor restrict by blood, marriage, or adoption, the conditions outlined above are presumptive that the regulation is satisfied. Any other conclusion would conflict with Moore, supra, and raise serious constitutional questions as to deprivation of due process rights guaranteed to the handicapped.

There is no question that, in the instant matter, the conditions precedent for determining whether the proposed use constitutes a "family" within the meaning of the BCZR do exist. Mr. Millard's uncontradicted testimony clearly established the permanency of the residency, the stability of the living arrangement, and the lifestyle of those who will reside in the dwelling, which will be exactly the same as that which is normally associated with the traditional family unit.

- 6 -

Although not precedent nor binding, a decision by Circuit Court Judge George B. Rasin, Jr., in County Commissioners of Caroline County v. Loscomb; Chancery No. 7175 (Circuit Court for Caroline County, September 11, 1978), directly on point, is persuasive:

Article 3 of the Caroline County Zoning Ordinance defines "family" as "one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four (4) persons"...

With respect to the definition of the word "family" in the zoning ordinance, in my opinion, when dealing with the definition we are concerned with the characteristics of a group of people. A group of people no larger than a normal family, living in a house that is a single family dwelling, eating together and having other characteristics of a family, meets the requirement of being considered a family. Zoning regulations cannot deal with the relationship of those persons who compose such a family group...If a group of persons are living together as a family unit--attempting to duplicate a normal family--with a couple, or even a single person or several people working together as a staff, acting as surrogate parents, and the house in which they live has one kitchen, one dining room in which the group eats as a family unit, and one or more bathrooms for the use of all members of the group, there exists a "family". I do not believe a zoning ordinance can by definition characterize the relationship so as to hold the group is not a family. I do not extend my holding to a fraternity house, dormitory, commune or small institution. But wherever it can be shown in situations similar to that now being considered by the Court that there is a true family unit, whether related or not, this satisfies the definition of a family. To hold otherwise would be unconstitutional under due process principles.

Notwithstanding the requirement for special exceptions for community care facilities and rooming/boarding houses, it must be emphasized that if a living unit meets the definition of "family", it is not a community care facility and is not a rooming or boarding house. To hold otherwise would be inconsistent.

The terms "boarding house" and "rooming house" for which a special exception are needed do not include:

1. single housekeeping units classified as a family;
2. programs or facilities for children;
3. units where meals are provided but that are not the primary residence of the owner;
4. adult foster care homes supervised by the Department of Social Services; and
5. apartment buildings, hotels, or motels.

The term "boarding house" can include a care home which meets the other criteria for qualification as a boarding house. The term "care home", however, does not include:

1. facilities providing only domiciliary care to fewer than four individuals and
2. adult residential homes certified by the Department of Human Resources.

The overriding facts are that the facility here is not being operated as a rooming or boarding house, i.e., the residents do not pay a daily fee for lodging and means and residence at the home is permanent. See In Re: Miller, 482 A.2d 688 (Pa., 1984). Supervision and assistance are provided and a bona fide housekeeping unit would exist. Such factors are characteristic of a single-housekeeping unit, thereby distinguishing a "family" from a rooming or boarding house. See McGinnis Appeal, 57 A.2d 108 (1982), cert. denied, 103 Sup. Ct. 2121 (1983). If the living unit satisfies the definition of "family", then it cannot be a rooming or boarding house.

In Howard County Assoc. for Retarded Citizens, Inc. v. Howard County Bd. of Appeals, Case Nos. 10609 and 10633, Circuit Court for Howard County, December 15, 1976, the Court was asked to prohibit a group home from being located in a residential zone as a matter of right. The Howard County zoning ordinance defined "family" as "[a] person living alone, or 2 or more persons living together as a housekeeping unit, with separate identity from other

- 8 -













BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

April 2, 1987

Mr. Jack J. Millard, President  
Bon Vie, Inc.  
7521 Galther Road  
Sykesville, Maryland 21784

RE: Case No. 87-208-SPH  
Bon Vie, Inc.,  
Petitioner

Dear Mr. Millard:

I am in receipt of your letter dated March 30, 1987.

Although I am in empathy with your problems, you should have been in contact with the Zoning Office right from the start to see where the changes needed might lie in relationship to the decision I rendered.

If you can gain approval of your site plan changes from the protestants who appeared at the original hearing, no additional hearing will be required. If you cannot, then you will be required to file a Petition for Special Hearing to amend the site plan.

I am not suggesting that if you cannot get approval from the Liberty Communities Development Corporation, the Courtmar Association, or Mr. Richard Lewis that I would deny you the changes you seek. I am suggesting that if this can be arranged without a hearing, it would resolve the problems quickly and easily.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

AJ/srl

77-2025

March 30, 1987

RECEIVED  
MAR 31 1987

ZONING OFFICE

Mr. Arnold Jablon  
Zoning Commission  
Baltimore County Office of  
Planning & Zoning  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Bon Vie, Inc.  
Personal Care Residence  
Old Court Rd & Courtleigh Dr  
Baltimore County, Maryland  
Zoning Re: #87-208-SPH  
Building Permit #95103NR

Dear Mr. Jablon:

I am writing this letter to correct a situation which seems to be never ending in trying to get our personal care residence off the ground. Several months back after our zoning hearing and subsequent approval I applied for a building permit and found, much to my dismay, that I was being hit with a multitude of additional cost items in the construction of the building due to the nature of its use and number of occupants. I was informed by the Baltimore County Fire Department that a sprinkler system would be required as well as a number of other code requirements such as types of doors, extensive handicap requirements, firewalls, additional exits, etc. In effect the building would have to be converted from a single family home to a commercial type construction similar to that of a nursing home. In an effort to seek some relief I met with Fire Chief Rehms of Baltimore County and at the conclusion of that meeting was led to believe if I installed a residential fire sprinkler system that the cost was very inexpensive and that insofar as the Fire Department was concerned they would not require the additional items.

My initial reaction was if in fact the system was as inexpensive as indicated we probably could absorb the cost involved.

However upon taking the next step I was informed by Ted Burnham, Baltimore County Code Administrator, that the Fire Department had no authority to recind any of the other construction code requirements as those requirements were a

1

Baltimore County law and that the only way to accomplish a change of this type was to go to Baltimore County Council and request a change and modification of the code which as a result would take an additional 90 days. The constant delays and construction cost changes, have substantially affected the cost effectiveness of the intended project and its economic feasibility.

Therefore, in a last effort, to attempt to salvage the project I decided to reduce the number of occupants to be served from the original eight intended down to five. This in effect would eliminate the Baltimore County Code requirements, which effected the original design and would bring the building back to residential status. However, we were informed that we would still require the residential type sprinkler system specified by Baltimore County Fire Department. This system needless to say, is not as inexpensive to install as originally indicated but the exact cost still can not be determined, since Baltimore County is presently in the process of determining what would be an acceptable design criteria. To compensate for the additional cost of said system and the property screening which was required by Zoning, as well as, the operating cost increase for serving fewer occupants, we discovered that we could bring the cost back in line by building the dwelling on one lot instead of the two as originally contemplated. This would be even more practical since the building being smaller required less area.

I caused new building plans to be re-drawn and submitted for a new building permit. I made a new plat plan of the property and created a landscaping plan which was submitted to Baltimore County and which was subsequently approved. In tracking everything through the County it appeared as if we were on the way to getting a building permit authorized. However, on Friday, March 27, 1987, we received a call from Planning & Zoning informing us that since the plat and building plans were different from that submitted for the Zoning hearing that a new Zoning hearing would be required.

I respectfully request your cooperation in resolving this new problem. Additional delays compound our interest cost on holding the land and other costs related to the project and could prevent it from becoming a reality. More particularly, since the original Zoning hearing intent was to justify the nuclear family make-up and the use of the property as a personal care residence, and, since neither of these have changed in intent, and in fact because of the down sizing actually reduces any impact, there really does not seem to be any justification for going the full cycle again.

2

Your kindness and consideration in bringing this problem to a rapid and satisfactory resolve would be greatly appreciated. I am also enclosing for your re-consideration a copy of the new building plans and approved Baltimore County Planning & Zoning landscaping plans.

Sincerely Yours,

Bon Vie, Inc.  
*Jack J. Millard*  
Jack J. Millard, President

3



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

March 4, 1987

Ms. Condit Stevenson  
State Office on Aging  
Room 1004  
301 West Preston Street  
Baltimore, Maryland 21201

Re: Petition for Special Hearing  
E/S Courtleigh Dr., 118.19' S of the cl  
of Old Court Rd. (3735 and 3737 Courtleigh  
Dr.) - 2nd Election District  
Bon Vie, Inc. - Petitioner  
CASE NO. 87-208-SPH

Dear Ms. Stevenson:

Pursuant to your request of this date, I am enclosing a copy of the opinion which was rendered by the Zoning Commissioner in the above-entitled case on December 12, 1986.

Very truly yours,

*Margaret E. du Bois*  
Margaret E. du Bois  
Zoning Office

Enclosure

JAN 27 1987

ZONING OFFICE

President, Vivian Noonan, called the Courtmar Association meeting to order at 7:35 p.m. on Tuesday, November 18, 1986, at the Church Lane elementary school in the school library

Minutes of the previous meeting and treasurer's report were not given.

The shelter care home to be built on Courtleigh at Old Court was discussed. It was the consensus of the members that the President, Vivian Noonan, will speak for the Courtmar Association at the zoning hearing on the shelter home and will report back at the next meeting.

Report given on planned feeder bus service to and from the Old Court and Milford Mill Road subway stations. Mr. Kovalevsky will report at the next meeting.

Suggestion was made and discussed that the Courtmar Association welcome new neighbors into the neighborhood. Items could include a map of the area, giving a planter to new neighbors. Members to think about this and come back to the next meeting with more suggestions.

Our guest speaker for the evening was Officer Kappas, Crime Prevention Coordinator, Garrison Division. Officer Kappas spoke on shopping during the holidays, using automated teller machines, etc.

Members present: Vivian Noonan Harry Gruel Florinda Dodson  
Kathy Boyd Mike Rogers Nancy Rogers  
Joan Arrington Dan Frieman Irene Frieman  
Paul Feaser Dorothy Feaser Billie Davis  
Herb Hansen John Dougherty Grace Doody  
Linwood Doody Ken Jaffe Pat Kovalevski  
Joe Kovalevski

*Kathy Boyd*  
Kathy Boyd  
Recording Secretary

*Vivian Noonan*  
Vivian Noonan  
President

January 22, 1987

Mr. Arnold Jablon  
Zoning Commissioner

Courtmar Community Association minutes stating that Vivian Noonan, President, did have permission to speak for the organization at the hearing on the shelter care home to be built at Courtleigh and Old Court Roads, zone 21133.

This document a little late.

Vivian Noonan

77-1120

LIBERTY COMMUNITIES DEVELOPMENT CORPORATION, INC.  
3820 Fernside Road  
Randallstown, MD 21133

December 2, 1986

(301) 655-7766

RECEIVED  
DEC 3 1986

ZONING OFFICE

Mr. Arnold Jablon  
Zoning Commissioner  
Baltimore County  
Office of Planning & Zoning  
Towson, Maryland 21204

Re: Case No. 87-208-SPH  
Bon Vie, Inc.

Dear Commissioner Jablon:

At our November 17, 1986 meeting the LCDC Board of Directors considered the proposed development of an Elderly Sheltered Care Home at 3735 and 3737 Courtleigh Drive. At this meeting the Board passed the following resolution, "At this time we were opposed to the proposal and would urge the Zoning Commissioner, when making his decision, to take into account such community concerns as: The current lack of information on the actual physical development, and the potential of this project to change the existing character of the neighborhood." We also went on to appoint Ms. Emily Wolfson, as a member of the Board of Directors, to represent the organization at the scheduled November 24, 1986 hearing.

We hope that this information is helpful and if there is anything else we can do please contact our office.

Sincerely,

*Lucille Whittingham*  
Lucille Whittingham  
President, LCDC

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 17, 1986

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

MEMBERS

Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

Carol Ann Wildesen, Esquire  
Suite 500, Chesapeake Building  
305 W. Chesapeake Avenue  
Baltimore, Maryland 21204

RE: Item No. 105 - Case No. 87-208-SPH  
Petitioner: Bon Vie, Inc.  
Petition for Special Hearing

Dear Ms. Wildesen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kbb

Enclosures



Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

OCTOBER 28, 1986

Re: Zoning Advisory Meeting of September 23, 1986  
Item # 105  
Property Owner: Bon Vie, Inc.  
Location: E/S Courtleigh Dr. 118.19'S.  
OF E OF OLD COURT RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- ( ) A County Review Group Meeting is required.
- ( ) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ( ) A record plat will be required and must be recorded prior to issuance of a building permit.
- ( ) The access is not satisfactory.
- ( ) The circulation on this site is not satisfactory.
- ( ) The parking arrangement is not satisfactory.
- ( ) Parking calculations must be shown on the plan.
- ( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ( ) The amended Development Plan was approved by the Planning Board on.
- ( ) Landscaping: Must comply with Baltimore County Landscape Manual.
- ( ) The property is located in a deficient service area as defined by B111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is.
- ( ) The property is located in a traffic area controlled by a "D" level intersection as defined by B111 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

Additional comments:

"A COPY OF THE FINAL DEVELOPMENT PLAN WITH THE AMENDMENT ADDED SHOULD BE SUBMITTED"

David Fields, Acting Chief  
Current Planning and Development

CC: James Husk11

STEPHEN E. COLLINS  
DIRECTOR

October 2, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 103 A, 104, 105, 106, 108, 109, 110, 111, 112, and 114.

Very truly yours,

Michael S. Flanigan  
Traffic Engineer Associate II

MSF:lt

PAUL H. REINCKE  
CHIEF

September 23, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

RE: Property Owner: Bon Vie, Inc.

Location: E/S Courtleigh Drive, 118.19' S. of centerline of Old Court Road

Item No.: 105

Zoning Agenda Meeting of 9/23/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved: *Kerol M. Markowitz*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

September 29, 1986

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 105 Zoning Advisory Committee Meeting are as follows:

Property Owner: Bon Vie, Inc.  
Location: E/S Courtleigh Drive, 118.19 feet S of c/l of Old Court Road  
District: 2nd.

APPLICABLE ITEMS ARE CIRCLED

(X) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.S.S.I. #117-1 - 1980) and other applicable Codes and Standards.

(X) Should any alterations be required,

A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1107, Section 1106.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from the \_\_\_\_\_ to the \_\_\_\_\_ or to Filled Uses. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

(X) Comments: It is necessary to review Section 307.2, Use Group I-1 as well as Section 309.4, Use Group R-3. They do permit such an occupancy to remain residential depending on the concise number and their physical well being, meaning ability to respond to an emergency without personal assistance.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

*Charles E. Lumbard*  
C. E. Lumbard, Chief  
Building Plans Review

LWZ/MS

Bon Vie Inc.  
Jack J. Millard, Pres.  
7521 Gaither Road  
Sykesville, Md., 21784

September 8, 1986

Arnold Jablon, Zoning Commissioner  
111 West Chesapeake Avenue  
Towson, Maryland, 21204

RE: RM-5 Group Home (A.L.U.'S)  
3735 & 3737 Courtleigh Rd.  
Randallstown, Md., 21133  
2nd Election District  
Lots 3 & 4

Dear Mr. Jablon:

We presently are making application to build on subject property a single family residence to be used as a shared home for aged citizens. As we understand there is a basic criteria to be met in order to approve the intended construction as a permitted use in the existing zoning classification.

We are submitting for your consideration the following to define the intended use and activity of said residence.

The brand new shared housing for the elderly we plan to build is specifically designed to meet the needs of the senior citizens. There will be:

- 8 single bedrooms
- 1 guest room (for out-of-town visitors)
- 1 suite for 24 hour care giver

1. Each resident will sign a lease for a period of one (1) year (renewing annually if the resident desires).

2. Only residents having a lease will be allowed to stay at the facility and the facility will not be used by other persons. There is a guest room for visiting if an overnight stay is necessary.

3. The senior citizens, although in good health, will be living as a family unit. However, due to the fact they are unable to be totally independent and do require some care and assistance such as:

- ...inability to go grocery shopping during inclement weather conditions,
- ...not bathing for fear of falling in the tub and not having anyone around to assist them,
- ...not eating proper nutritious meals,
- ...not sleeping properly, fearing that if something happens to them during the night they have no one to assist them.

4. The meals will be prepared and all will eat together in the dining room. They will share a common living room which would be large and spacious yet providing a family atmosphere.

5. There is a separate sleeping area for a full-time care giver to oversee the needs of the senior citizens schedule of trips to the doctor, trips to Senior Citizens Centers, picking up medications, overseeing the making of beds, etc. and implementing the planned program for the residents well being.

6. The "family" for senior citizens will be similar to the average family in all respects, the difference being instead of calling on family and friends for assistance, the supportive system will be within the home. As a senior citizen who is for a nursing home or an apartment but not ready retirement community, this concept of shared housing allows the elderly to live independently within their financial means and still have a family atmosphere.

7. There is a bedroom and living room for a care giver couple who will provide for 7 days a week 24 hour care.

8. Each resident generally will according to their abilities, help arrange meals and set the table at mealtime, assist with normal household chores, etc. as with any normal family grouping.

9. As the dwelling does not exist at present, prior, during and after the construction all appropriate federal, state and local approvals will be applied for and complied with.

10. A planned program for the "family" in conjunction with the Baltimore County, Department of Aging, will be planned enabling each resident to participate fully in the many activities scheduled for them.

To substantiate the need for this type of home we note that there are two senior citizen facilities presently in operation, one on Liberty Road and one in Pikesville, and further offer the attached letter.

We trust you will find the information adequate, however, should you desire any additional information, please feel free to call at anytime. My phone number is 795-5800.

A more detailed statement of our concept, together with a list of all the agencies and organizations we have been in contact with has been enclosed.

Thank you for your consideration and efforts in arriving at an early conclusion.

Sincerely yours,

*Jack J. Millard*

Jack J. Millard Pres

JCM/ban

We have conferred with the following agencies in order to verify the needs for shared housing in Baltimore County:

1. Elaine Brody  
Geriatric Center  
Philadelphia, Pa.
2. Joan Case  
Day Care Loan Guarantee Program  
State of Maryland
3. J. Timothy Fagan  
Director - Department of Aging  
Baltimore County
4. Ilene W. Rosenthal  
Chief Sheltered Housing  
State of Maryland
5. Ellen Yerman  
Head Network Services  
Baltimore County  
Department of Aging
6. National Department of Retired Federal Employees  
1533 New Hampshire Avenue N. W.  
Washington, D.C., 20034
7. Mrs. Sharon Baker  
Grace Eisenman  
Lisa Koven Harris  
Office on Aging
8. Margie Richmond  
Asst. to Ellen Yerman  
Balto. County Department of Aging
9. American Homes for Aging  
Pres. William Thayer  
Exec. V.P. Sheldon Goldberg
10. Jan Hahn  
Dept. Economic & Community Development
11. American Association of Retired Persons (AARP)  
Washington, D.C.
12. State of Maryland - Office on Aging  
301 West Preston Street  
Baltimore, Md., 21201
13. National Shared Housing Resource Center, Inc.  
6244 Greene Street  
Philadelphia, Pa., 19141



**SHELTERED HOUSING**  
**SINGLE FAMILY UNITS**

SHELTERED HOUSING FOR ELDERLY MEANS A FORM OF RESIDENTIAL ENVIRONMENT CONSISTING OF INDEPENDENT LIVING ASSISTED BY CONGREGATE MEALS, HOUSEKEEPING, AND PERSONAL SERVICES, FOR PERSONS 62 YEARS OLD OR OLDER, WHO HAVE TEMPORARY OR PERIODIC DIFFICULTIES WITH ONE OR MORE ESSENTIAL ACTIVITIES OF DAILY LIVING, LIKE FEEDING, BATHING, GROOMING, DRESSING, OR TRANSFERRING.

THE MARYLAND OFFICE ON AGING IS AUTHORIZED UNDER ARTICLE 70B OF THE ANNOTATED CODE OF MARYLAND TO DEVELOP SHELTERED HOUSING AS AN ALTERNATIVE TO MORE COSTLY, BUT NOT REQUIRED INSTITUTIONAL CARE. INDIVIDUALS LIVING IN SHELTERED HOUSING ARE 62 OR OLDER WHO, BECAUSE OF TEMPORARY OR PERIODIC DIFFICULTIES, REQUIRE ASSISTANCE WITH THE DAILY ESSENTIALS OF LIVING. INDIVIDUALS MAY BE FRAIL BUT NOT ILL AND SHOULD BE AMBULATORY.

ANY FACILITY WITH FOUR OR MORE UNRELATED ELDERLY RESIDENTS CAN BE CERTIFIED BY THE MARYLAND OFFICE ON AGING AS A SHELTERED HOUSING PROJECT PROVIDED ALL APPLICABLE LOCAL LAWS AND REGULATIONS HAVE BEEN SATISFIED, SUCH AS ZONING, HOUSING, LIFE SAFETY, AND HEALTH CODES. IN ADDITION, THE PROJECT MUST BE CONSISTENT WITH THE PLANS AND OBJECTIVES OF THE AREA AGENCY ON AGING IN THE JURISDICTION FOR WHICH THE PROJECT IS PROPOSED. THE MAXIMUM NUMBER OF UNITS OF SHELTERED HOUSING FOR WHICH A PROVIDER CAN BE CERTIFIED IN BUILDINGS OTHER THAN APARTMENT BUILDINGS IS FIFTEEN (15).

SHELTERED HOUSING INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING MINIMAL ELEMENTS:

- (1) SHELTER
- (2) MEAL SERVICE - THREE MEALS DAILY
- (3) PERSONAL SERVICES, SUCH AS ASSISTANCE WITH BATHING, GROOMING, LAUNDRY
- (4) HOUSEKEEPING

IN ADDITION, PROVIDERS SHOULD BE ABLE TO OFFER 24-HOUR SUPERVISION AND ACCESS TO MEDICAL SERVICES, IF NECESSARY.

APPROVED PROJECTS ARE ISSUED A CERTIFICATE TO OPERATE SHELTERED HOUSING. THE CERTIFICATES ARE VALID FOR A PERIOD OF UP TO TWELVE MONTHS AND ARE RENEWABLE ANNUALLY. PROJECTS CERTIFIED TO PROVIDE SHELTERED HOUSING ARE EXEMPT FROM THE PROVISIONS OF HEALTH GENERAL ARTICLE, § 19-301D.

FOR FURTHER INFORMATION OR AN APPLICATION FOR A CERTIFICATE TO OPERATE SHELTERED HOUSING, PLEASE CONTACT THE MARYLAND OFFICE ON AGING, HOUSING DIVISION, 1004 STATE OFFICE BUILDING, 301 W. PRESTON STREET, BALTIMORE, MARYLAND.

TTY FOR DEAF-BALTIMORE; 383-7555; WASHINGTON, D.C.: 565-0451

J. TIMOTHY FAGAN  
DIRECTOR

January 31, 1986

Dear Sir:

Mr. Jack Millard, is in the process of initiating a new sheltered housing residence, Bon Vie Manor, in the Old Court Road area of Baltimore County.

The catchment area for this location includes both the Pikesville and Liberty Road communities. It is estimated that there are between 750 and 900 residents in these communities who could potentially benefit from this kind of supportive, family-like, non-institutional opportunity.

The Baltimore County Department of Aging, as part of its normal referral process, would alert individuals who request sheltered housing or who indicate the need for a supportive setting, about the existence of Bon Vie Manor. In addition, every effort will be made, consistent with our consultative role, to support this project so that this much needed alternative housing choice is available.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

J. Timothy Fagan, Director

JTF:bvs

CODE	QUANTITY	NAME	PLANT SCHEDULE	SIZE
A	15	WHITE PINE (PINUS STROBUS)		5'-6"
B	15	ADONIS-VITIS (VITIS ACERIFOLIA)		5'-6"
C	4	MILK PINE (PINUS MILLE)		18'-0"
D	2	SPREADING YEW (BACCHARIS YEW)		18'-0"
E	1	DRYER WOOD (QUERCUS PRINCEPS)		3'
F	1	PINK DOGWOOD (CORONIA FLORIDA)		8'-10" HEIGHT

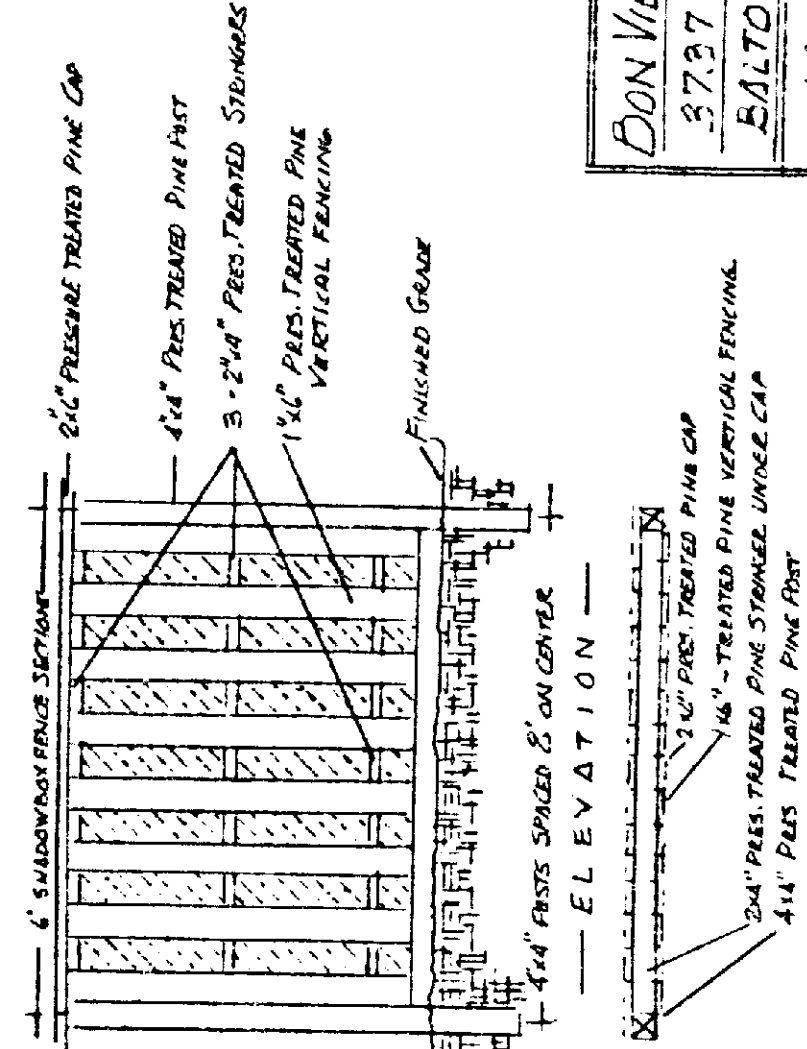
NOTE: DUE TO NATURE OF PROJECT DEVELOPER REQUEST WANNER  
RESIDENTIAL BUILDING PERMIT NO. 25103 NE DATED MAR. 18, 1987.  
ZONING: APPROVAL CASE NO. 87-203-SPH DATED DEC. 12, 1986.

CERTIFICATION STATEMENT:

I certify that the planting plan shown herein is consistent with applicable rules, regulations and ordinances and that all plant material to be furnished will be grown in accordance with the specifications stated in the Baltimore County Landscape Manual dated May 7, 1984.

Don Vie Manor  
Jack Millard - Prop.

DON VIE MANOR PERSONAL CARE RESIDENCE  
3737 COURTLIGHT DRIVE  
BALTO COUNTY, MD  
LANDSCAPE SCREENING PLAN  
SCALE 1" = 10'-0" • DRAWN: J.M. 3/17/87



SHADOWBOX FENCING  
(SCALE VIEWS)

COURTLIGHT DRIVE

78' TO 0-00 COURT RD

DRAFT

**Sheltered Housing Program for the Elderly**

**.01 Purpose.**

These regulations provide procedures for carrying out the intent of Article 70B, § 4, Annotated Code of Maryland providing for the administration, certification, and operation of the sheltered housing program by the Maryland Office on Aging. These regulations are in four sections to clarify the four types of Sheltered Housing and to discuss regulations for each type.

**.02 Definitions.**

A. The following items have the meanings indicated.

B. Terms Defined.

- (1) "Activities of Daily Living (ADL's)" means the minimal requirements of:
  - a. Eating
  - b. Bathing
  - c. Grooming
  - d. Dressing
  - e. Transferring
- (2) "Aged" means a person at least 62 years old or the person's spouse who is at least 55 years old.
- (3) "Ambulatory" means the condition of a person who is physically and mentally capable of making an exit from a building in an emergency with or without the assistance of mobility devices.
- (4) "Area Agency on Aging (AAA)" means the local established Office on Aging in a planning and

**STATE OF MARYLAND**  
**MARYLAND OFFICE ON AGING**  
**CERTIFIED SHELTERED HOUSING FACILITIES**  
**SINGLE-FAMILY UNITS**

ALLEGANY COUNTY	NO. OF SFPH UNITS	DATE CERTIFIED
Cumberland New Life Shelter Incorporated Ms. Judith Donahue 923 Bedford Street Cumberland, Maryland 21502 777-1902	9	8/85
<b>ANNE ARUNDEL COUNTY</b>		
Locust Lodge Mrs. Elizabeth Frisino 184 Meadow Drive Riviera Beach, Maryland 21122 255-7160, 255-7292	9	8/82
<b>BALTIMORE CITY</b>		
Lifespring Manor Ms. Brenda Walker 3508 Copley Road Baltimore, Maryland 21215 664-6431	4	6/84
Zadman Home Ms. Winnie Slaughter 4103 Fords Lane Baltimore, Maryland 21215 358-5741	4	5/86
<b>CAROLINE COUNTY</b>		
Christian Care Home Ms. Deborah Martin Post Office Box 457 Denton, Maryland 21629 479-0452	7	5/85
<b>CARROLL COUNTY</b>		
Mrs. Maude Higgins 2424 Sandymount Road Pinksburg, Maryland 21048 876-7068	7	9/84

EXHIBIT 4



EXISTING RESIDENCE DR 5.5

EXISTING RESIDENCE DR 5.5

EXISTING RESIDENCE DR 5.5

EXISTING RESIDENCE DR 5.5

OLD COURT ROAD  
TWO-WAY TRAFFIC

LOT 2  
#1937  
DR 5.5  
VACANT

LOT 3  
#1935  
DR 5.5  
EXISTING RESIDENCE

LOT 3  
#3737  
DR 5.5  
PROPOSED RESIDENCE

LOT 4  
#3739  
DR 5.5  
PROPOSED PARKING

DECEDED TO #1913 OLD CT RD

VACANT

PLANTING SCREEN  
4' HIGH BUSHES  
SLOPE NOT TO EXCEED 2:1  
STABILIZED W/ WY PLANTING

EX 10' UTILITY EASEMENT

CURB 8'x6' PERIMETER  
OF PARKING AREA

HEIGHT TENT 16'  
OPEN SPACE 1,500 sq ft +/-

EX 2.5' UTILITY EASEMENT

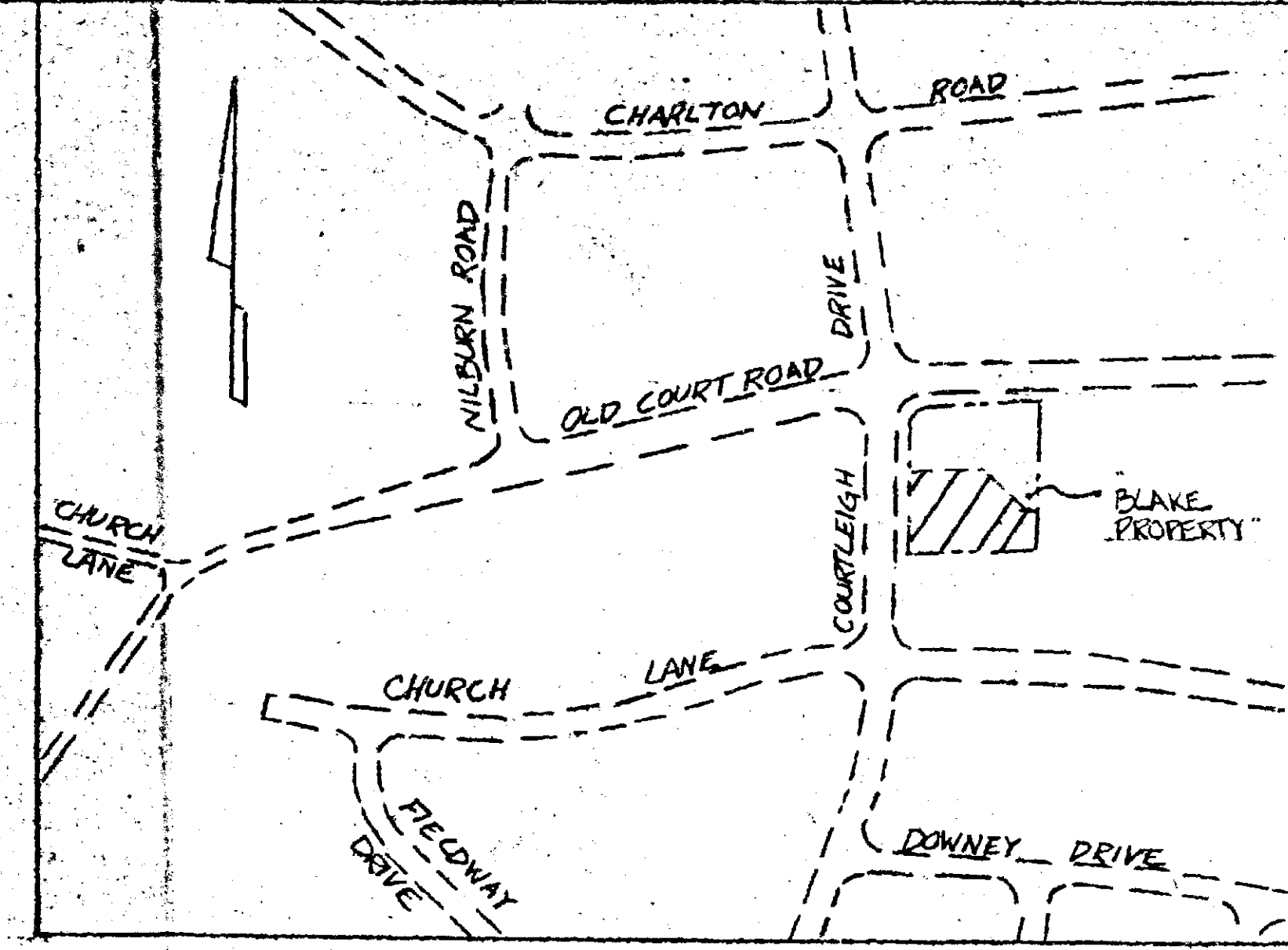
EX 15' UTILITY EASEMENT

EX 10' UTILITY EASEMENT  
DR 5.5

PUBLIC WATER  
SEWERAGE MAIN  
WATER MAIN 24" DIA  
SEWERAGE 18" DIA

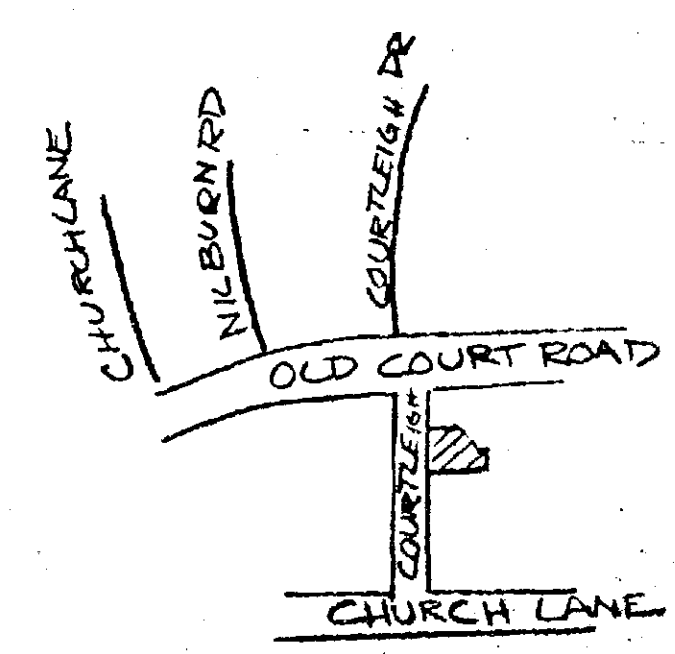
EXISTING WATER LINE

NO BUILDINGS



LOCATION PLAN  
SCALE: 1"=200'

EXHIBITOR'S EXHIBIT



VICINITY MAP

DENSITY CALCULATIONS

EXISTING ZONING DR 5.5

GROSS RESIDENTIAL ACREAGE 0.363

NO. OF LOTS: 2

GROSS RESIDENTIAL DENSITY:

PROPOSED USE - SHELTERED  
CARE FACILITY

PLAT FOR ZONING - SPECIAL HEARING

OWNER - RAYMOND S. BLAKE & JANE BLAKE

PURCHASER - BON VIE INC JACK MILLARD PRES.

ELECTION DISTRICT 2 - ZONED DR 5.5 - AREA 0.363 AC

SUBDIVISION RAYMOND S. BLAKE PROPERTY

LOTS 3 & 4 (0.145 + 0.218 = 0.363 AC TOTAL AREA)

BOOK 43 FOLIO 54

EXISTING UTILITIES IN COURTEIGH RD

SCALE 1"=30'

NO. OF PARKING SPACES REQUIRED - 2

NO. OF PARKING SPACES PROVIDED - 6

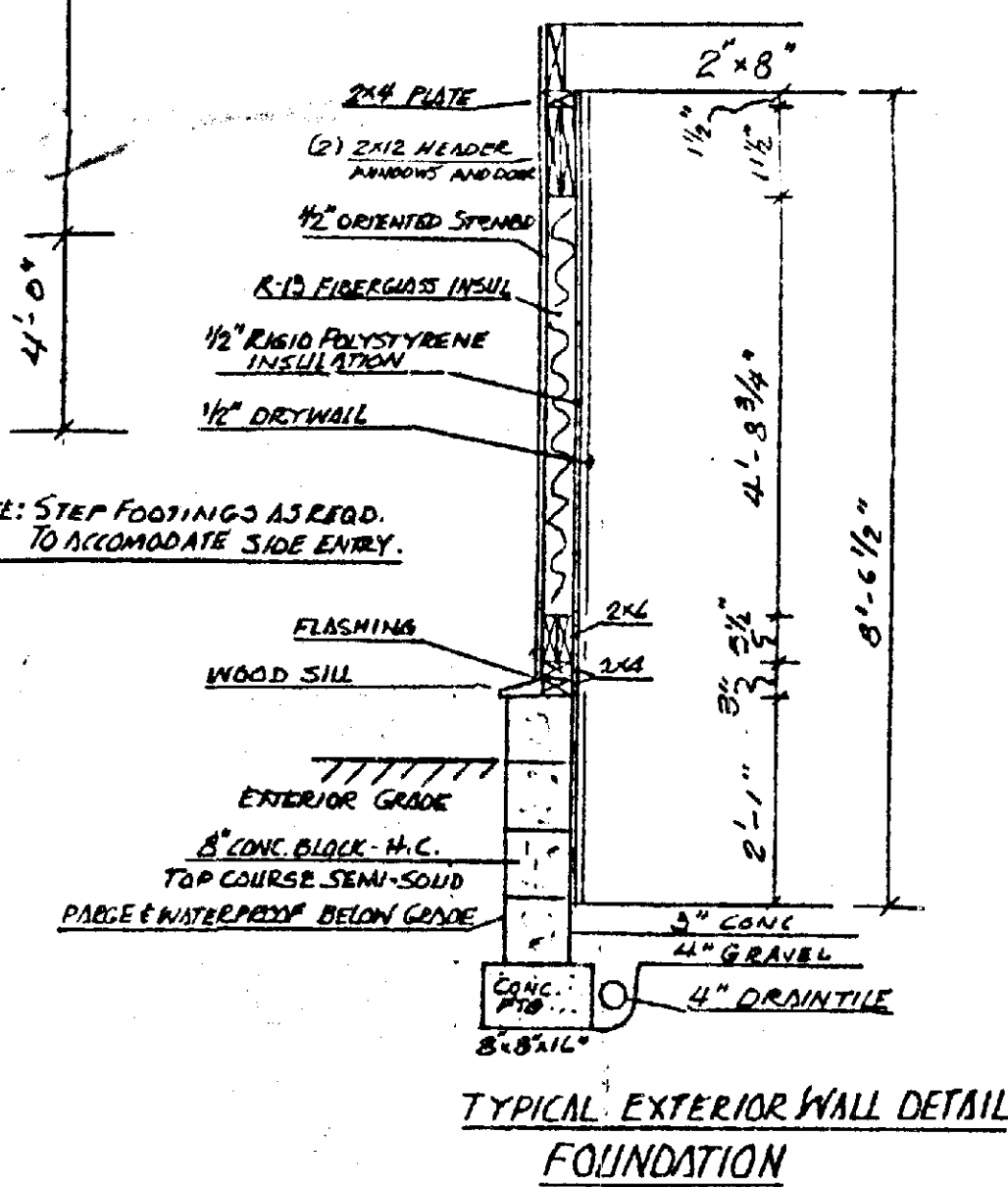
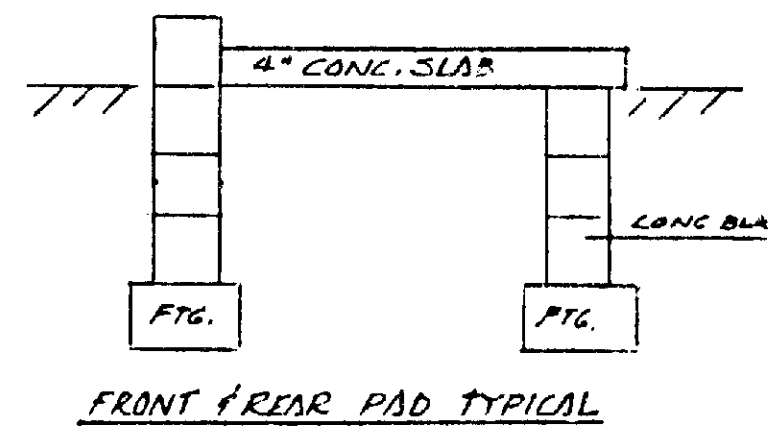
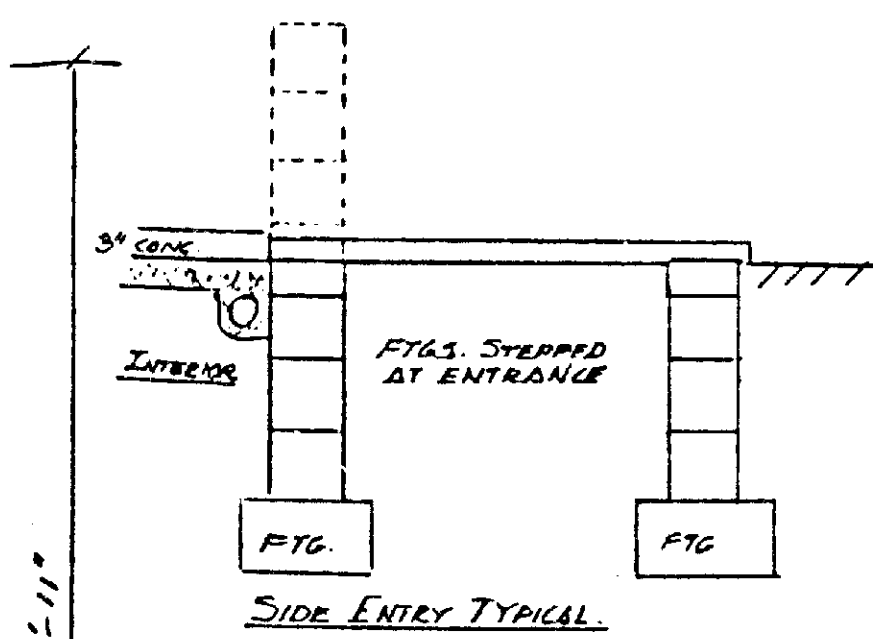
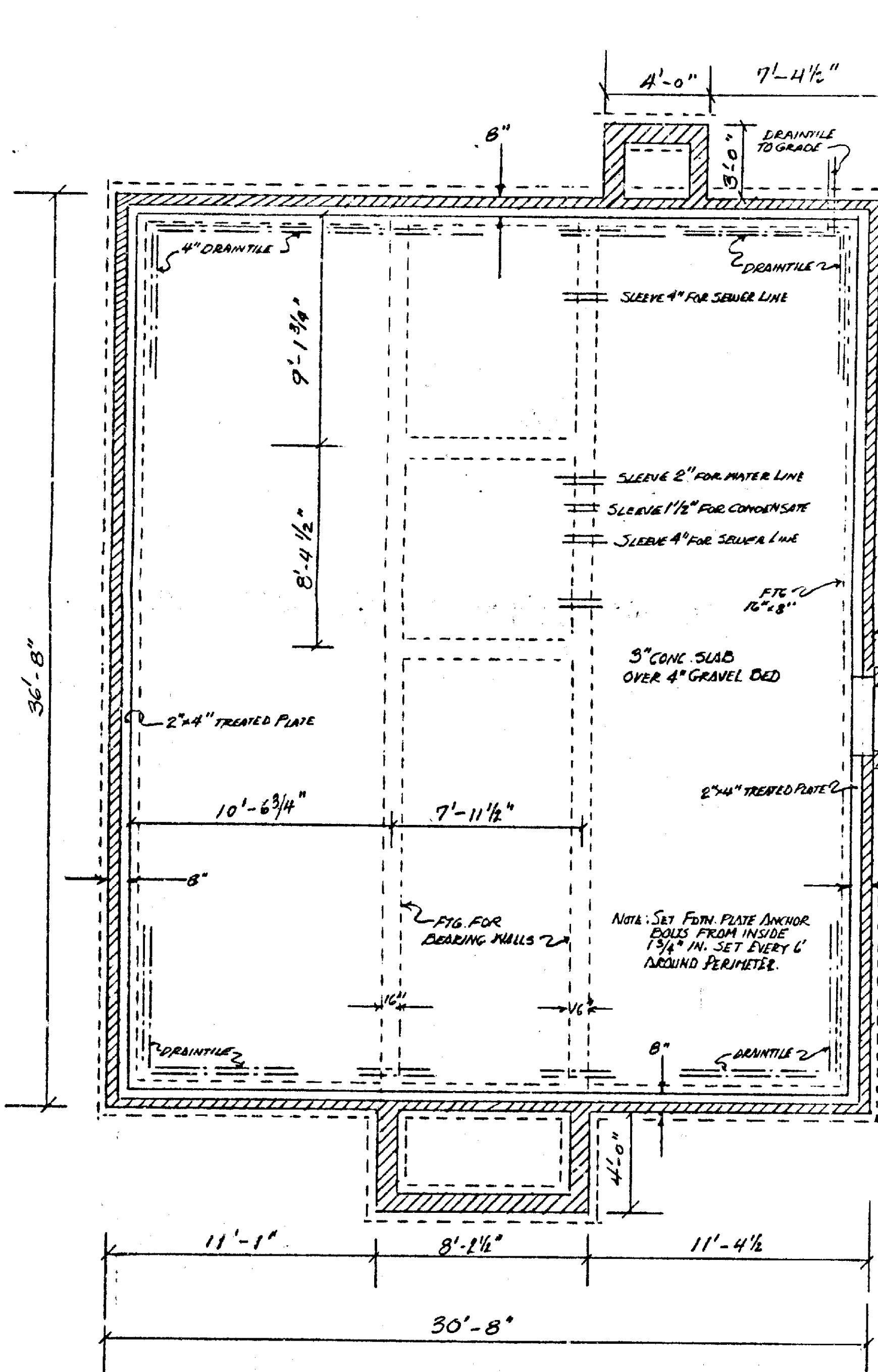
PARKING SPACES 9'x20' EA 5

HANDICAP 12'x20' EA 1

OFFICE CO.  
#105  
1/11/08 SPH



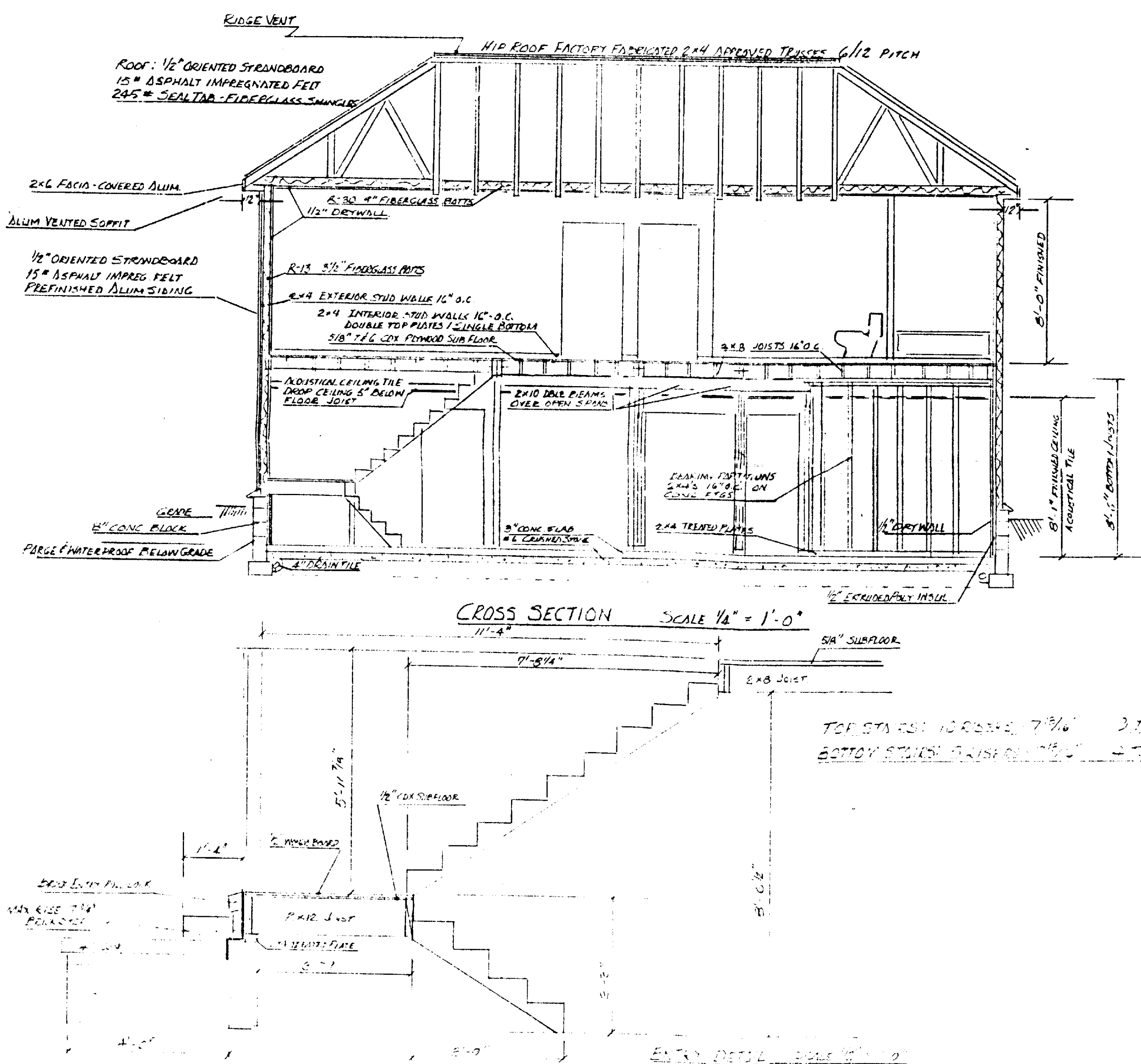




TERMITE PROTECTION: SOIL TREATMENT

BUILDING CODE DESIGNATION R3

BON VIE INC. PERSONAL CARE RESIDENCE  
3737 COURTEIGH DR. LOT #3  
BALTO COUNTY 2ND ELEC. DIST.  
BUILDER: CHAMPION BUILDERS INC.  
TEL: 795-5800  
SCALE 1/4" = 1'-0" DRAWN J.H. 3/14/87  
PAGE 3 OF 4



BON VIE INC. PERSONAL CARE RESIDENCE  
3737 COURTEIGH DR. LOT #3  
BALTO COUNTY 2ND ELEC. DIST.  
BUILDER: CHAMPION BUILDERS INC.  
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PAGE 4 OF 4